

I again thank Senator KEMPTHORNE for his outstanding work on this very important and critical piece of legislation. If I could just tell him, I met with the mayors of my State a couple of months ago, I met with the county supervisors of my State, and there was one issue and one issue only they wanted to talk about and that was Senator KEMPTHORNE's legislation. So he is even famous in the State of Arizona as well as the State of Idaho.

So I thank my friend from Idaho and I yield the floor.

Mr. KEMPTHORNE. Mr. President, I just wish to thank the Senator from Arizona for his kind remarks and also to acknowledge his strong and enthusiastic support to curb these unfunded Federal mandates. He is one of the stalwarts in this effort. So I thank him.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I would like to use my leader time, if I could.

The PRESIDING OFFICER. The Senator is recognized.

MRS. ROSE FITZGERALD KENNEDY

Mr. DASCHLE. Mr. President, I join my colleagues in extending my sincere sympathy to my friend and colleague, Senator TED KENNEDY on the death of his mother.

Mrs. Rose Fitzgerald Kennedy lived a life that saw more than its share of public tragedy and private sorrow. Her courage and her profound faith in her church and her God gave her the strength to be the support of her children and an inspiration to all Americans.

Mrs. Kennedy's passing is a loss to our Nation. No one old enough to remember will ever forget the fortitude with which she bore the assassination of two beloved sons, President John F. Kennedy and Senator Robert Kennedy.

Her public strength helped the Nation endure, as her private strength has always been, in the words of her son John, "the glue that held the Kennedy family together."

The tragedies she suffered did not diminish her sense of service. Into an age where no one would have questioned a desire to retire from public life, she traveled tirelessly, promoting the work of the Joseph P. Kennedy Jr. Foundation, to aid the mentally retarded.

Her spirit and work earned her the admiration of the entire world and made Americans very proud.

So today I know that I express the sentiment of all of our colleagues in saying that our prayers are with her son, our colleague, TED, and her other children and grandchildren on this occasion.

I yield the floor.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to yield to the Senator from New Jersey, by the way, whose birthday it is today, and this is not in lieu of a birthday present I say to the Senator from New Jersey, I would ask unanimous consent that I be allowed to yield to the Senator from New Jersey for the purpose of his offering an amendment without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I thank the Senators and friends who are on the floor to wish me well on my birthday. It is one of those things, a time we would like to pass without notice, but, on the other hand, being here to recall it is something of value as well.

AMENDMENT NO. 199

(Purpose: To exclude from the application of the Act, provisions limiting known human (Group A) carcinogens defined by the Environmental Protection Agency)

Mr. LAUTENBERG. Mr. President, pursuant to the unanimous-consent request, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer an amendment to meet the terms of the unanimous-consent agreement. I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 199.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 5, strike out "or".

On page 13, line 8, strike out the period and insert in lieu thereof a semicolon and "or".

On page 13, insert between lines 8 and 9 the following new paragraph:

(7) limits exposure to known human (Group A) carcinogens, as defined in the Environmental Protection Agency's Risk Assessment Guidelines of 1986.

Mr. LEVIN. Mr. President, last week we began a colloquy with the managers of the bill on some of the uncertain provisions and ambiguous provisions in the bill. I thought we could pick that colloquy up this evening. I have a number of amendments that have been offered. There are two additional amendments to be offered that have been listed for me. I think the number of the issues which have been raised, even though amendments both are filed and to be filed, could be clarified if I could discuss with the managers of the bill some of the provisions which I consider to be ambiguous. In order to do that, I thought I would again use the same hypothetical. If I could get copies of this

to the two managers of the bill, this hypothetical Senate bill is the one I used last week. We went into the first ambiguity and then after about 3 hours of debate clarified it with an amendment.

This bill, hypothetical, to be offered after the effective date of this law mandates reductions of dangerous levels of mercury from incinerator emissions after October 1, 2005. Under this hypothetical bill the EPA is designated to determine what constitutes a mercury level dangerous to human health. The first question is when is this bill effective? That is not a theoretical question. That is a very critical question because there must be an estimate of the cost of an intergovernmental mandate the first year that it is effective. When a bill or amendment is effective becomes a critical issue and could mean the life or death of the bill or amendment because if the estimate of the mandate is more than \$50 million in any year starting the first year it is effective, for 5 years, then certain things are triggered. Very significant things are triggered. Estimates, authorizations, language relative to appropriations, all must be in the bill. Agencies have to be designated to pull back from or to relieve the local governments of the mandate. That estimate and its effective date are absolutely central to this new version of the bill.

Last year we had a bill which had broad cosponsorship, including myself, where there was an estimate required but there was less hanging on it, on its specificity, on its certainty, on its length, and as to when it is first effective, when the mandate was first effective. A lot less was hanging on that because you did not have this mechanism, this new point-of-order mechanism, relative to the appropriation of funds. That is one of the things which is new this year. Unless we do it right it is going to complicate this process beyond anyone's wildest dream or nightmare. So that is the area that I want to discuss with my friends.

Last week I asked the Senator from Ohio what is the effective date of this mandate in my hypothetical bill. He basically said, well, it would have to be sometime before October 1, 2005. So I thought to clarify the situation I would give an actual or a hypothetical CBO estimated direct cost of the local government in my hypothetical so we can get some clarification and some legislative history as to what is intended by the mandate.

The chart that I have up gives the following CBO estimated direct costs for these 87,000 State, local, and tribal governments. In this hypothetical in fiscal year 1996, the estimated direct cost is \$6 million. In fiscal year 1997, the estimated direct cost is \$8 million; in 1998, \$10 million; 1999, \$15 million;